

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**ATTACHMENT NO. 3****INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

Title 8: Chapter 4, Subchapter 5, Article 74, Sections 2561.31 and 2561.32 of the Electrical Safety Orders (ESO), and Subchapter 7, Article 91, Section 4885 and Article 99, Section 5022 of the General Industry Safety Orders (GISO).

Monorails Hoists, Monorail Cranes and Track**SUMMARY**

Sections 2561.31 and 2561.32 of the ESO, and Subchapter 7, Article 91, Sections 4885 and 5022 of the GISO contain specific requirements and definitions regarding cranes and hoists, and includes requirements and definitions related to monorail hoists and monorail cranes.

Inconsistency exists between the above sections and recently amended wording of Section 4885, which added the definitions of "Monorail Crane" and "Track," and amended the definition of "Monorail Hoist." These amendments are necessary to make Sections 2561.31, 2561.32, 4885 and 5022 consistent with the new language in the definitions of "Monorail crane," "Monorail hoist" and "Track" in Article 91, Section 4885 of the GISO.

The recent passage of AB 3000 resulted in changes to Section 18909(j) of the Health and Safety Code amending the definition of building standards, and the repeal of Section 142.6 of the Labor Code, deleting specific requirements regarding the adoption of building standards by the Board. These changes exempt the Occupational Safety and Health Standards Board from the California Building Standards law that requires all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Therefore, modifications are proposed to delete the Title 24 and Health and Safety Code references from Sections 2561.31 and 2561.32.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 2561.31. Runway Conductor Disconnecting Means.**

Section 2561.31 specifies requirements for disconnecting crane and hoist runway conductors.

The proposed rulemaking adds the words "Track and" in Section 2561.31, before "Runway" in the section title, and before "runway" in the text. These amendments are necessary to make Section

2561.31 consistent with the recently amended language in the definitions of “Monorail crane,” Monorail hoist” and “Track” in Article 91, Sections 4885 of the GISO.

Section 2561.32. Disconnecting Means for Cranes and Hoists.

Section 2561.32 specifies requirements for disconnecting cranes and hoists.

The proposed rulemaking adds the words "track and" in Section 2561.32 before runway, and "monorail crane" after “monorail hoist” in the exception paragraph. These amendments are necessary to make Section 2561.32 consistent with the recently amended language in the definitions of “Monorail crane,” Monorail hoist” and “Track” in Article 91, Section 4885 of the GISO.

Section 4885. Definitions.

Section 4885 consists of definitions for terminology used in Group 13 crane and hoisting equipment regulations.

The proposed rulemaking adds the words "or a monorail crane" after “monorail hoist” in the definition of “Man Trolley” in Section 4885. These amendments are necessary to make the definition of “Man Trolley” consistent with the recently amended language in the definitions of “Monorail crane,” Monorail hoist” and “Track” in the same section.

Section 5022. Proof Load Test and Examination of Cranes and Their Accessory Gear.

Section 5022 contains proof load text and examination requirements for cranes.

The proposed rulemaking amends Section 5022 by replacing all references to “monorail hoists” with the term “monorail cranes” and adds the word “track” before “bridge/runway(s).” Additionally this rulemaking will remove the parentheses from around the term “(and cross-overs)” in the text. These amendments are necessary to make Section 5022 consistent with the recently amended language in the definitions of “Monorail crane,” “Monorail hoist” and “Track” in Article 91, Sections 4885 of the GISO.

DOCUMENTS RELIED UPON

None.

**REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES**

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendment clarifies the regulation to eliminate confusion about the definition and regulatory requirements for trolley suspension hoists.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in

complying with the proposal. Furthermore, the regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.